

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
at Charleston**

**MERINDA PHOLWATTANA,**

**Plaintiff,**

**v.**

**Civil Action No. 2:10-cv-00989  
The Hon. Joseph R. Goodwin**

**BARCLAY BANK,  
WORLD FINANCIAL NETWORK BANK,  
and ALLIANCE DATA SYSTEMS,**

**Defendants.**

**BARCLAYS BANK DELAWARE’S MOTION TO DISMISS AND REFER TO  
ARBITRATION**

COMES NOW, the Defendant, Barclays Bank Delaware, incorrectly named as “Barclay Bank”, by counsel, Christopher J. Sears, John D. Hoblitzell, and the law firm of Shuman, McCuskey & Slicer, PLLC, and moves this Honorable Court to dismiss or stay this case as against it and refer the matter to arbitration pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.* Grounds in support of this Motion are set forth in the attached Memorandum of Law.

WHEREFORE, for the reasons set forth in the attached Memorandum of Law, Defendant Barclays Bank Delaware requests that this Court grant its motion, dismiss or stay this matter as against it, and refer this case to arbitration, as well as grant it any other such relief that the Court deems appropriate.

**BARCLAYS BANK DELAWARE**  
**By Counsel**

/s/John D. Hoblitzell III

Christopher J. Sears (WVSB #8095)

John D. Hoblitzell, III, Esq. (WVSB # 9346)

**Shuman, McCuskey & Slicer, PLLC**

1411 Virginia Street, East, Suite 200 [25301]

P.O. Box 3953

Charleston, WV 25339

(304) 345-1400

*Counsel for Defendant Barclays Bank Delaware*

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**CERTIFICATE OF SERVICE**

I, John D. Hoblitzell, do hereby certify that on this 3<sup>rd</sup> day of September, 2010, I electronically filed the foregoing **BARCLAYS BANK DELAWARE'S MOTION TO DISMISS AND REFER TO ARBITRATION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Brian Blickenstaff, Esquire  
**Turner & Johns, PLLC**  
216 Brooks Street, Suite 200  
Charleston, WV 25301  
***Counsel for Plaintiff***

Robin L. Godfrey, Esquire  
800 Security Building  
Charleston, WV 25301  
***Counsel for Plaintiff***

David M. Kersey, Esquire  
**Brewster, Morhous, Cameron,  
Caruth, Moore & Kersey**  
418 Bland Street  
P.O. Box 529  
Bluefield WV 24701-0529  
*Counsel for World Financial Network  
National Bank and Alliance Data Systems*

/s/John D. Hoblitzell III  
Christopher J. Sears (WV Bar #8095)  
John D. Hoblitzell, III, Esq. (WVSB # 9346)  
**Shuman, McCuskey & Slicer, PLLC**  
1411 Virginia Street East, Suite 200  
Post Office Box 3953  
Charleston, WV 25339  
(304) 345-1400